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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HENKEL CORPORATION  
2500 RENAISSANCE BLVD  
STE 200  
GULPH MILLS, PA 19406

EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 12/03/2001

8

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-8

**Office Action Summary**

Application No.

09/446,435

Applicant(s)

HAERER ET AL.

Examiner

Lorna M. Douyon

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 May 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

Art Unit: 1751

***Abstract***

1. The abstract of the disclosure is objected to because it need not recite "The invention relates to". Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 112***

2. Claims 21-41 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "non-compressed" is nowhere supported in the specification. What the specification on page 10, lines 20-22 discloses is a "liquid (quite generally a solution and/or a melt), and not the generic "non-compressed" term which includes powders and granules. Also, the terms "mould", "gelatinous portion" and "thickening system" are nowhere supported in the specification. In addition, the limitation of claim 25 which recites "non-aqueous diluent and a gelling agent " and the limitation of claim 35 which recites "gelling additive" are nowhere supported in the specification. These claims contain limitations not originally disclosed in the specification, hence, are considered new matter.

Art Unit: 1751

3. Claims 23-25, 27-30, 37 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 23, the phrases "preferably, more preferably, most preferably " render the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

In claims 24 and 37, the terms "detergents" and "surfactants" read upon one another and therefore do not meet the requirements of 35 USC 112, second paragraph; that is, the members of a Markush group must be mutually exclusive (see *Ex parte Clark*, 174 USPQ 40 (BPAI 1971)). Claims 27-30, being dependent upon claim 24, are rejected as well.

In claim 25, line 2, "the mixture" lacks support with respect to claim 21.

In claim 40, line 1, the phrase "said gelling agent" lacks support with respect to claim 33. This claim should depend from claim 35.

#### ***Claim Objections***

4. Claim 41 is objected to because of the following informalities: In line 2, the period after "°C" (first occurrence) should be deleted . Appropriate correction is required.

Art Unit: 1751

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 21, 24-28, 31-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Addison (US Patent No. 6,274,538), hereinafter "Addison".

Addison teaches a detergent tablet comprising a compressed layer which comprises a pre-prepared depression or mould into which a non-compressed layer is delivered (see col. 5, lines 19-21), the non-compressed layer comprising a gel (see col. 6, lines 13-14), wherein the gel comprises a thickening system in addition to the optional detergent components, the thickening system comprises a non-aqueous liquid diluent and an organic or polymeric gelling additive (see col. 6, lines 18-33). In Examples 1 and 2, Addison teaches a multi-layer detergent tablet which is prepared by passing into a conventional rotary press a detergent composition so that an indentation is formed into one of the tablet surfaces, metering into the indentation on the compressed tablet body, a gel matrix formulation, allowing to stand until the gel hardens or is no longer flowable, the gel matrix formulation being prepared by adding a gelling agent to the solvent and the temperature of the mixture is increased to between 48°C and 55°C, applying shear and

Art Unit: 1751

allowing to cool to temperatures between 30°C and 32°C, and adding the remaining ingredients, like savinase or amylase and bicarbonate and citric acid (see col. 48, line 26 to col. 49, line 35). Addison also teaches a machine dishwashing method comprising treating soiled articles with an aqueous liquid having dissolved or dispersed therein an effective amount of said detergent tablet (see col. 46, line 60 to col. 47, line 7). Addison also teaches a machine laundry method comprising treating soiled laundry with an aqueous liquid having dissolved or dispersed therein an effective amount of said detergent tablet (see col. 47, lines 9-13). Addison teaches the limitations of the instant claims. Hence, Addison anticipates the claims.

7. Claims 21, 23-28, 31-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Painter (US Patent No. 6,303,561), hereinafter "Painter".

Painter teaches a detergent tablet comprising a compressed portion and a non-compressed portion wherein a) the compressed portion comprises compressed detergent components and a cavity extending from a first exterior surface of the compressed portion to a second exterior surface of the compressed portion, and b) the non-compressed portion is retained within said cavity, the noncompressed portion preferably dissolves at a faster rate than the compressed portion (see abstract). Painter also teaches that the non-compressed layer comprising a gel, wherein the gel comprises a thickening system and other optional detergent components (see col. 4, lines 42-49), the thickening system comprises a non-aqueous liquid diluent and an organic or polymeric gelling additive (see col. 4, lines 57-60). Painter also teaches that the gel may include a

Art Unit: 1751

variety of detergent components e.g. enzymes, colorants or structure modifying agents (see col. 6, lines 46-62). Painter also teaches that the non-compressed portion comprises a solidified melt, wherein the melt is prepared by heating a composition comprising a detergent component and optional carrier component(s) to above its melting point to form a flowable melt, the flowable melt is then poured into the cavity and allowed to cool (see col. 4, lines 1-17). In Example 1, Painter teaches the preparation of a detergent tablet wherein the compressed portion is prepared by delivering the composition of detergent components to a punch cavity of a modified head rotary tablet press providing a tablet wherein the compressed portion has a cavity, pouring the non-compressed portion comprising protease or amylase and bicarbonate/citric acid into the cavity of the compressed portion, subjecting to a conditioning step during which time the non-compressed portion hardens (see col. 46, line 60 to col. 48, line 8). Painter also teaches a machine dishwashing method comprising treating soiled articles with an aqueous liquid having dissolved or dispersed therein an effective amount of said detergent tablet (see col. 45, lines 7-21). Painter also teaches a machine laundry method comprising treating soiled laundry with an aqueous liquid having dissolved or dispersed therein an effective amount of said detergent tablet (see col. 45 lines 22-32). Addison teaches the limitations of the instant claims. Hence, Addison anticipates the claims.

Art Unit: 1751

*Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Evaluations of the level of ordinary skill in the art require consideration of such factors as various prior art approaches, types of problems encountered in the art, rapidity with which innovations are made, sophistication of technology involved, educational background of those actively working in the field, commercial success, and failure of others.

The “person having ordinary skill” in this art has the capability of understanding the scientific and engineering principles applicable to the claimed invention. The evidence of record including the references and/or admissions are considered to reasonably reflect this level of skill.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 22, 23, 29 and 30 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Addison.



Art Unit: 1751

Addison teaches the features as described above. Even though Addison does not explicitly disclose the viscosity of the gelatinous portion, its dissolution rate and the dissolution rate of the detergent tablet, it would be inherent for the detergent tablet of Addison to possess the same characteristics because same compressed and non-compressed portions having same ingredients have been utilized. Hence, Addison anticipates the claims.

11. Claims 22, 29 and 30 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Painter.

Painter teaches the features as described above. Even though Painter does not explicitly disclose the viscosity of the gelatinous portion and the dissolution rate of the detergent tablet, it would be inherent for the detergent tablet of Painter to possess the same characteristics because same compressed and non-compressed portions having same ingredients have been utilized. Hence, Painter anticipates the claims.

12. Claims 21-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gladfelter et al. (WO 92/20774), hereinafter "Gladfelter".

Gladfelter teaches a solid chemical concentrate system of at least two cooperative shapes, said system comprising: (a) a first shape comprising an inwardly curved bar, said bar having an inner opening; and (b) a second shape comprising an insert wherein said insert interlocks with said bar by fitting within said bar inner opening, said bar and insert providing at least one substantially

Art Unit: 1751

continuous surface and wherein the bar comprises a first composition and the insert comprises a second composition (see claims 1 and 2). The first composition comprises a solid selected from the group consisting of a cast solid, compressed solid, an extruded solid, a granular solid or an agglomerated solids (see claim 3). The second composition comprises a solid selected from the group consisting of a cast solid, compressed solid, an extruded solid, a granular solid or an agglomerated solids (see claim 4). The solid chemical concentrate system may include warewashing or laundry detergents as well as any number of other chemical detergent systems useful in any variety of applications (see page 1, lines 14-18). The composition may comprise any number of active ingredients including alkaline or caustic agents, surfactants, sequestrants, bleaching agents, antimicrobial agents (see page 8, lines 16-20) and enzymes (see page 15, lines 22-31). Gladfelter also teaches that the composition may comprise a solidifying agent (which is equivalent to the thickening agent) such as nonionic surfactants, propylene glycol, polyethylene glycol and starches (see page 18, line 22 to page 19, line 33). Gladfelter also teaches that the cleaning system may also comprise a continuous polymeric film (see page 19, lines 35-36) containing polyethylene oxide (see page 23, lines 19-34). In Example 5, Gladfelter exemplifies a laundry detergent wherein both bar and insert are preformed, the bar comprises sodium metasilicate, nonionic surfactant, anionic surfactant and polyethylene glycol and the insert composition comprises polyethylene glycol (8000 MW) (thickening agent), enzymes, sodium bicarbonate and citric acid (see page 32, line 26 to page 33, line 11). Gladfelter, however, fails to

Art Unit: 1751

teach a bar which is in compressed form and an insert in a non-compressed form and the dissolution rate of the non-compressed portion.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have prepared the bar in a compressed form and the insert in a non-compressed form because the teachings of Gladfelter encompass these aspects and to reasonably expect the non-compressed portion to dissolve faster than the compressed portion because similar ingredients in each portions have been utilized.

13. The request for interference with respect to the recited documents is acknowledged, however, no interference will be declared until all the pending issues in this present application are resolved and until an allowable subject matter is indicated.

14. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. These references are considered cumulative to or less material than those discussed above.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

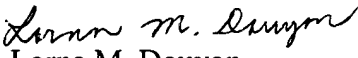
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Technology Center is:

Art Unit: 1751

(703) 305-3599 - for Official After Final faxes  
(703) 305-7718 - for all other Official faxes.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

November 19, 2001

  
Lorna M. Douyon  
Primary Examiner  
Art Unit 1751